

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

INDEPENDENT SCHOOL DISTRICT NO.75
OF ST. CLAIR, MN,

Defendant.

Civil Action No. 04-4088(MJD/JGL)

COMPLAINT

Jury Trial Demand

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act ("ADEA") to correct unlawful employment practices on the basis of age, and to provide appropriate relief to Michael Keefe and any similarly situated individuals ("class members"). The U.S. Equal Employment Opportunity Commission ("Commission") alleges that from at least June, 1998 through at least June 2001, Independent School District 75, of St. Clair, Minnesota ("ISD 75"), discriminated against the class members by paying an early retirement incentive cash benefit which had been reduced because of age.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA"), which incorporates by reference Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217.

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2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Minnesota.

PARTIES

3. Plaintiff, the Commission, is an agency of the United States of America charged with the administration, interpretation and enforcement of the ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, the ISD 75 has continuously been a public school district, known as the Little Falls School District operating in St. Clair, Minnesota, and has continuously had at least 20 employees.

5. At all relevant times, the ISD 75 has continuously been an employer, a political subdivision of a State, within the meaning of Section 11(b) of the ADEA, 29 U.S.C. § 630(b).

CONCILIATION

6. Prior to the institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practice alleged below and to effect voluntary compliance with the ADEA through informal methods of conciliation, conference and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

STATEMENT OF CLAIMS

7. From at least June 1998 through at least June 2000, ISD 75 engaged in

unlawful employment practices in violation of Section 4(a) of the ADEA, 29 U.S.C. § 623(a), by entering into collective bargaining agreements which provided retiring employees a cash early retirement incentive calculated as 5 days pay for each year of service to a maximum of 100 days, which benefit was reduced because of the retiree's age. Specifically, Michael Keefe, who retired in October 2000, had his retirement benefit reduced by 15% because of his age, 58. Any similarly situated individuals age 56 or over, who retired between June 1998 and at least June 2000 had his or her retirement benefit reduced because of age.

8. The unlawful employment practices complained of in paragraph 7 above were willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant ISD 75, its appointees, employees, officers, successors, assigns, divisions, and all persons in active concert or participation with them, from engaging in employment practices that discriminate on the basis of age against individuals aged 40 and older.
- B. Grant a permanent injunction enjoining Defendant ISD 75 from offering any early retirement incentive program which reduces benefits because of age.
- C. Grant a judgment requiring Defendant ISD 75 to pay class members the amount of the early retirement incentive benefit to which each would have been entitled prior to the reduction based on his or her age, plus an equal sum as liquidated damages.
- D. Grant such further relief as the Court deems necessary and proper in the

public interest.

E. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

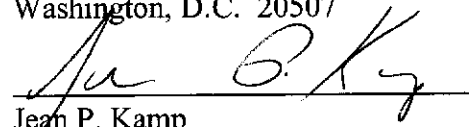
Dated _____

EQUAL EMPLOYMENT OPPORTUNITY
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